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Counsel for Ryan Drexler

UNITED STATES BANKRUPTCY COURT

DISTRICT OF NEVADA

In re

MUSCLEPHARM CORPORATION,

Debtor.

Case No. BK-22-14422-NMC

Chapter 11

DECLARATION OF

MICHAEL P. RICHMAN

1. I am a member of the law firm Steinhilber Swanson LLP. Our firm is co-counsel to Ryan Drexler in the above-captioned proceeding. I make this declaration in support of Ryan Drexler's *Objection to Debtor's Motion to Quash Subpoena to Verizon, or in the Alternative, for Issuance of a Protective Order.*

2. Attached hereto as Exhibit A is a true and correct copy of a document labeled ICA 0007 that I received as part of a document production from Empery Tax Efficient, LP.

3. Attached hereto as Exhibit B is a true and correct copy of an email from Gabrielle A. Hamm dated June 5, 2023, asking if I would "be withdrawing the May 25, 2023 subpoena to

1 Verizon in view of the fact that Empery has produced the Ryan Lane and Tim Silver text
2 messages?”, and my response thereto.

3 4. Attached hereto as Exhibit C is a true and correct copy of an email chain
4 beginning May 25, 2023 in which I requested a privilege log from counsel for MusclePharm
5 Corporation reflecting documents withheld from Mr. Rubin’s May 19, 2023 production.

6 5. I declare under penalty of perjury that the foregoing is true and correct.

7 Dated: June 12, 2023.

8 */s/ Michael P. Richman*
9 Michael P. Richman

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EXHIBIT A

5:46



Eric >



Fri, Jan 13 at 1:48 PM

Call you back. On one

Mon, Jan 16 at 2:59 PM

Thoughts in me letting Sam know there might be a change in CRO's. I spoke to Mike today and with marc roth this afternoon. Would CRO be my decision or yours? Im off but working by text.



Let's touch base tomorrow. For compliance reasons I can't text about material work stuff. My gut is no harm in letting Sam know what you are thinking and understanding process from his perspective. It's your call (the company) with our consent right. I am around to discuss over the phone if you would like

Wed, Feb 15 at 11:33 AM

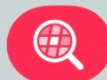
Can you send me your coordinators info please

All good here based on Rita's emails?

Tu



iMessage



ICA0007

EXHIBIT B

From: [Michael Richman](#)
To: [Gabrielle Hamm](#)
Cc: [Samuel A. Schwartz](#); [Jason Rosell](#); "[jfiero@pszjlaw.com](#)"; [Gregory Garman](#); [William Noall](#); [Teresa Pilatowicz](#); [Caitlin Halm](#); [Michael Jurkash](#); [Dylan Ciciliano](#); [Candace Carlyon](#); [Dawn Cica](#)
Subject: RE: [EXTERNAL] In re MusclePharm Corporation, Bankruptcy Case No. 22-14422-NMC Empery Text Messages
Date: Monday, June 5, 2023 4:33:53 PM
Attachments: [image001.jpg](#)

Gabby: Empery did not produce the text messages we requested, nor did they comply with other discovery requests that were served in connection with the hearing on their motion to enforce the intercreditor agreement.

We will consent to the OST provided you consent to an OST for the motion to compel that we will file with our objection in response. Thank you. Michael

Michael P. Richman

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mrichman@steinhilberswanson.com

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From: Gabrielle Hamm <GHamm@nvfirm.com>

Sent: Monday, June 5, 2023 4:26 PM

To: Michael Richman <mrichman@Steinhilberswanson.com>

Cc: Samuel A. Schwartz <saschwartz@nvfirm.com>; Jason Rosell <jrosell@pszjlaw.com>; 'jfiero@pszjlaw.com' <jfiero@pszjlaw.com>; Gregory Garman <Ggarman@Gtg.legal>; William Noall <wnoall@Gtg.legal>; Teresa Pilatowicz <tpilatowicz@Gtg.legal>; Caitlin Halm <CHalm@Gtg.legal>; Michael Jurkash <mjurkash@steinhilberswanson.com>; Dylan Ciciliano <dciciliano@Gtg.legal>; Candace Carlyon <c Carlyon@carlyoncica.com>; Dawn Cica <Dcica@carlyoncica.com>

Subject: RE: [EXTERNAL] In re MusclePharm Corporation, Bankruptcy Case No. 22-14422-NMC Empery Text Messages

Michael,

Will you be withdrawing the May 25, 2023 subpoena to Verizon in view of the fact that Empery has produced the Ryan Lane and Tim Silver text messages? If you do not intend to withdraw the subpoena, please indicate whether you consent to an OST on the Debtor's motion to quash.

Thank you,

Gabrielle A Hamm, Esq.

Of Counsel

Schwartz Law, PLLC

601 East Bridger Avenue

Las Vegas, Nevada 89101

Direct: 702-754-1963

ghamm@nvfirm.com



Please consider the environment before printing this email

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EXHIBIT C

From: [Samuel A. Schwartz](#)
To: [Michael Richman](#); [Gabrielle Hamm](#)
Cc: [Michael Jurkash](#); [Peter Nowak](#)
Subject: Re: [EXTERNAL] RE: Rubin Privilege Log
Date: Friday, June 2, 2023 12:59:35 PM
Attachments: [image001.jpg](#)

Same to you Michael – happy Friday – yes – I expect to have it to you next week. It is a priority.

Samuel A. Schwartz, Esq.

Schwartz Law, PLLC
601 East Bridger Avenue
Las Vegas, NV 89101
[702.802.2207](tel:702.802.2207) tel
SASchwartz@nvfirm.com

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From: Michael Richman <mrichman@Steinhilberswanson.com>
Date: Friday, June 2, 2023 at 10:35 AM
To: "Samuel A. Schwartz" <saschwartz@nvfirm.com>, Gabrielle Hamm <GHamm@nvfirm.com>
Cc: Michael Jurkash <mjurkash@steinhilberswanson.com>, Peter Nowak <PNowak@Steinhilberswanson.com>
Subject: RE: [EXTERNAL] RE: Rubin Privilege Log

Nice to hear from you Sam. Please let me know when you believe that will be.

From: Samuel A. Schwartz <saschwartz@nvfirm.com>
Sent: Friday, June 2, 2023 12:34 PM
To: Michael Richman <mrichman@Steinhilberswanson.com>; Gabrielle Hamm <GHamm@nvfirm.com>
Cc: Michael Jurkash <mjurkash@steinhilberswanson.com>; Peter Nowak <PNowak@Steinhilberswanson.com>
Subject: Re: [EXTERNAL] RE: Rubin Privilege Log

Michael, the privilege log is in process. We will get it to you as quickly as we can.

Samuel A. Schwartz, Esq.

Schwartz Law, PLLC

601 East Bridger Avenue

Las Vegas, NV 89101

[702.802.2207](tel:702.802.2207) tel

SASchwartz@nvfirm.com

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From: Michael Richman <mrichman@Steinhilberswanson.com>

Date: Friday, June 2, 2023 at 10:16 AM

To: Gabrielle Hamm <GHamm@nvfirm.com>

Cc: "Samuel A. Schwartz" <saschwartz@nvfirm.com>, Michael Jurkash <mjurkash@steinhilberswanson.com>, Peter Nowak <PNowak@Steinhilberswanson.com>

Subject: [EXTERNAL] RE: Rubin Privilege Log

Gabby: Your firm produced documents to us on behalf of Nicholas Rubin on May 19, two weeks ago. We learned at Rubin's deposition on Monday, May 22, that you withheld an unspecified number of documents on the grounds of privilege, and perhaps other unspecified grounds. You represented that you were preparing a privilege log of the withheld documents, as you are required to do.

I wrote to you on Thursday, May 25, requesting that you provide the privilege log by the close of business on Friday, May 26. You did not reply to that email.

I wrote to you again on Wednesday, May 31, requesting an update of my request for the privilege log. You did not reply to that email.

This is my last request of you for the privilege log. If you ignore this email as well, or provide an unacceptable response, the next time I make the request it will be of the Court in a motion to compel.

Thank you in advance for what I hope will be the courtesy of a reply. Michael

Michael P. Richman

Steinhilber Swanson LLP

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Main: (608) 630-8990
mrichman@steinhilberswanson.com
www.steinhilberswanson.com



From: Michael Richman
Sent: Wednesday, May 31, 2023 12:49 PM
To: Gabrielle Hamm <GHamm@nvfirm.com>
Cc: Sam Schwartz <saschwartz@nvfirm.com>; Michael Jurkash <mjurkash@steinhilberswanson.com>; Peter Nowak <PNowak@Steinhilberswanson.com>
Subject: RE: Rubin Privilege Log

Kindly provide an update on the privilege log.

Michael P. Richman
Steinhilber Swanson LLP
122 W. Washington Avenue, Suite 850
Madison, WI 53703-2732
Direct: [\(608\) 709-5998](tel:6087095998)
Main: (608) 630-8990
mrichman@steinhilberswanson.com
www.steinhilberswanson.com



From: Michael Richman
Sent: Thursday, May 25, 2023 3:55 PM
To: Gabrielle Hamm <GHamm@nvfirm.com>
Cc: Sam Schwartz <saschwartz@nvfirm.com>; Michael Jurkash <mjurkash@steinhilberswanson.com>; Peter Nowak <PNowak@Steinhilberswanson.com>
Subject: Rubin Privilege Log

Gabby: During the Rubin deposition on Monday, May 22, you represented that you were preparing a log of materials withheld from production on the grounds of attorney-client privilege or other applicable protections (with the usual information as to each such document). Please provide the log before the close of business tomorrow, Friday, May 25, 2023. Thank you. Michael

Michael P. Richman

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